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September 13, 2021

VIA ECF

Hon. Ronnie Abrams, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Bassey B. Ndemeh v. Vincent Boudreau, et al.*
Docket No. 20-cv-4492 (RA)

Honorable Judge Abrams,

The Plaintiff, Mr. Bassey B. Ndemeh, by the undersigned counsel, respectfully submits this letter motion seeking a conference to discuss the failure of defendants to properly appear before this Court, as defendants have not filed an answer to any of the complaints and have not filed any notice of appearance.

Plaintiff advised the purported counsel for defendants, Ms. Johane Severin, Esq., of said failure to properly appear via email on August 26, 2021. Ms. Severin, however, responded that defendants were not required to do so.

Plaintiff respectfully submits that said failure to properly appear before this Court renders defendants in default and further invalidates their filings with this Court as null and void. It is further asserted that defendants' failures to properly appear before this Court have substantially prejudiced Plaintiff, particularly with respect to effecting proper service of the original and amended complaints, because defendants were permitted to contest service and address the Court without entering an appearance as required. If defendants had properly appeared before this Court, it is very likely that Plaintiff would have been able to forego the unnecessary and significant expense of personally serving defendants several times with the first amended complaint.

Consequently, it remains unclear as which defendants are actually represented by counsel, or in the alternative, should this Court decide otherwise, when such appearances were actually made. It is also unclear if Second Amended Complaint needs to be personally served on the defendants who were previously named since counsel has not formally declared representation for any of the presently named defendants.

Wherefore, it is respectfully requested that this Court grant Plaintiff's letter motion for a conference to discuss defendants' failures to properly appear before this Court and the proper remedy or redress for the prejudice suffered by Plaintiff as a result therefrom; together with such other or further relief as this Court may deem just and proper.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Samuel C. DePaola
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